



**CITY OF SCOTTSDALE  
McDOWELL SONORAN PRESERVE COMMISSION  
REGULAR MEETING**

**June 4, 2015**

**Florence Ely Nelson Desert Park  
8950 E. Pinnacle Peak Road  
Scottsdale, AZ 85255**

**SUMMARIZED MINUTES**

**PRESENT:** James Heitel, Chairman  
Con Englehorn, Commissioner  
Jace McKeighan, Commissioner  
Fred Klein, Commissioner  
Mike Milillo, Commissioner  
Steve Dodd, Commissioner

**ABSENT:** Robert Frost, Vice Chair

**STAFF:** Bill Murphy  
Kroy Ekblaw  
Liz Hildenbrand  
Yvonne Massman  
John Loleit

**GUESTS:** Mike Nolan

**1. CALL TO ORDER**

Chairman Heitel called the meeting to order at 5:06 p.m.

**2. ROLL CALL**

Members present as noted above.

**3. PUBLIC COMMENT**

There were no members of the public who wished to speak.

**4. APPROVAL OF MINUTES** (Discussion begins at 5:07; approximately 1 minute into the meeting)

Commissioner Klein noted that a mistake was made in listing Vice Chair Frost as both the mover and seconder for the approval of the previous meeting minutes. Staff will listen to the audio to confirm who made and seconded the motion.

**COMMISSIONER MILILLO MOVED TO APPROVE THE MAY 7, 2015 MCDOWELL SONORAN PRESERVE COMMISSION REGULAR MEETING MINUTES. COMMISSIONER ENGLEHORN SECONDED THE MINUTES, WHICH CARRIED BY A VOTE OF SIX (6) TO ZERO (0). VICE CHAIR FROST WAS ABSENT.**

**5. MCDOWELL SONORAN CONSERVANCY UPDATE** (Discussion begins at 5:09; approximately 3 minutes into the meeting)

Mr. Nolan gave an update on the annual planning meeting that took place on May 26, 2015 between the City of Scottsdale and the MSC, noting that this year all of the program chairs and assistant chairs were invited to attend. He discussed the various programs that were talked about during the meeting including the patrol schedule and coverage areas, training patrollers as pathfinders, construction and maintenance, pathfinder success rate, the hike program, nature guides, and steward education.

Mr. Nolan noted that Citizen Science won the 2014 Arizona Forward Crescordia Award for environmental education and communication. Citizen Science published an article on flora of the Preserve, presented on the Citizen Science Program in Science for Parks and Parks for Science, and completed a year of trail impact studies. The Pathfinder lecture series gave a lecture on human history once a month. A geological report on the quartz veins in the Preserve has been peer reviewed and is currently going through Geologic Survey Review. A new geologic map of the McDowell Mountains will be published soon.

Community relations did five outreach events with six speaker groups. The photo contest had 100 entries this year and the top 12 entries will be included in the 2016 calendar. The fundraising and development team are planning an expanded fundraising hike for November. The volunteer support team did four big social events this year: the kickoff, the holiday social, the January education event and the steward recruitment event, as well as nine inter-program social events for smaller groups.

Commissioner Klein requested that the schedule for the upcoming year include Preserve Day and Wildflower Day so that the events are distinct and properly promoted.

**6. POWERPOINT OF PRESERVE STATUS UPDATE FOR CITY COUNCIL, INCLUDING ENDOWMENT CONCEPT AND CONDITIONS** (Discussion begins at 5:17; approximately 11 minutes into the meeting)

Mr. Ekblaw noted that the presentation to City Council has been scheduled for June 23, 2015. The presentation on the Preserve status update and endowment concept and

conditions will be the second item on the agenda. The Council presentation will include discussion about land acquisition and Preserve improvements, future funding capabilities, and maintenance and operations funding options.

The goal of the City Council study session is to get an idea from Council as to whether they would like staff to move forward with detailed exploration of the endowment concept. The presentation will mention that the City is continuing to pursue Parcel 1, Parcel 1a, and three private properties; will include review of several improvements projected over the next few years including trailheads, boundary control, and wildlife crossings; and will offer a progress update on the trails, trailheads, and Preserve management costs. The Council presentation will also include a summary provided by the MSC, and update on Preserve taxes and future projected cash flow from financial services.

Commissioner McKeighan suggested that it be mentioned to Council that the endowment would be an ongoing fund that relieves the General Fund and the tax burden and that no new obligations would be placed on residents.

**7. SPECIAL EVENTS AND COMMERCIAL USE POLICIES** (Discussion begins at 5:32; approximately 26 minutes into the meeting)

Ms. Hildenbrand said that amended special use and commercial use policies were in the Commissioner packets for review.

Commission members were given an opportunity to make comments. Responding to a question from Commissioner Englehorn Ms. Hildenbrand explained that the permit fee and insurance requirement applies to organizations that are considered a business or commercial entity. The discussion then moved to the competitive event section of the policy. It was explained that the 90-day submittal requirement included a 30-day period for staff to evaluate the application and schedule a review with the MSPC and MSC 60 days prior to the event.

Mr. Ekblaw said that at the request of the Commission, staff consulted the City Attorney's office about giving the Commission approval power over competitive events and learned that it would require a change to the ordinance. The Preserve Director has purview over approval of competitive events and is not able to delegate the responsibility to anyone else. He clarified that the policy language will make for a more easily understood and improved process. Staff has the ability to bring competitive event applications to the Commission for recommendations as needed.

**THE COMMISSION DISCUSSED OF THE MOTION COMMISSIONER KLEIN MADE AT THE MAY 7, 2015 MEETING WHICH HAD BEEN TABLED UNTIL THE PRESENT MEETING. THIS MOTION STATED THAT "COMPETITIVE EVENTS WILL BE PERMITTED ONLY IF IT CAN BE SHOWN THAT THEY CLEARLY ADVANCE THE OBJECTIVES OF THE PRESERVE. EACH REQUEST WILL BE EVALUATED ON AN INDIVIDUAL BASIS. THESE REQUESTS MUST BE PRESENTED TO THE MCDOWELL SONORAN CONSERVANCY AND THE MCDOWELL SONORAN PRESERVE COMMISSION FOR COMMENT. THE PRESERVE DIRECTOR AND THE MCDOWELL SONORAN PRESERVE COMMISSION MUST THEN APPROVE EACH EVENT AT LEAST 60 DAYS BEFORE A PERMIT CAN BE ISSUED. SPONSORS SHALL NOT ADVERTISE OR PROMOTE ANY EVENT BEFORE SUCH APPROVALS**

**ARE OBTAINED." FOLLOWING DISCUSSION, COMMISSIONER KLEIN WITHDREW THE MOTION.**

**COMMISSIONER KLEIN MOVED THAT THE FOLLOWING LANGUAGE BE ADDED TO THE POLICY: TO WIT "ANY ADVERTISING OR PROMOTING OF AN EVENT PRIOR TO ITS APPROVAL SHALL RESULT IN REFUSAL OF THE PERMIT." COMMISSIONER ENGLEHORN SECONDED THE MOTION FOR THE PURPOSE OF DISCUSSION. THE MOTION FAILED BY A VOTE OF ONE (1) TO FIVE (5). VICE CHAIR FROST WAS ABSENT.**

Discussion ensued regarding the discretion of the Preserve Director and the guidelines.

**COMMISSIONER MCKEIGHAN MOVED TO INCLUDE UNDER THE COMPETITIVE ACTIVITIES LANGUAGE A STATEMENT THAT "EXTENSIVE MARKETING PRIOR TO PERMIT APPROVAL IS EXPRESSLY DISCOURAGED. MOREOVER ANY COSTS OR EFFORTS EXPENDED IN PROMOTION PRIOR TO PERMIT APPROVAL WILL NOT BE CONSIDERED A FACTOR IN THE PERMIT APPROVAL PROCESS. APPLICANTS ARE ENCOURAGED TO SUBMIT PERMIT APPLICATIONS IN ADVANCE OF THE STATED DEADLINES." SECONDED BY COMMISSIONER MILILLO, THE MOTION CARRIED BY A VOTE OF SIX (6) TO ZERO (0). VICE CHAIR FROST WAS ABSENT.**

**8. PRESERVE PROMOTION PLAN 2015/16** (Discussion begins at 5:54; approximately 48 minutes into the meeting)

Mr. Murphy apologized that the City will not be able to publish an online newsletter focused on the Preserve. Preserve staff has opened discussions with the Communications department and will begin promotions with the issuance of a bimonthly utility billing insert. The Preserve has a presence in the Scottsdale Update, the Parks and Recreation Leisure Ed publication, and targeted emails. Mr. Murphy stressed the importance of focusing on communication through Twitter, Instagram, Facebook, and YouTube. The MSC website includes a link to the City's website.

The City website will have a new search-based format beginning on July 1, 2015. The web page will be utilized to promote the Preserve and provide information on the proclamation the Mayor will be making for McDowell Sonoran Preserve Month. Conversation about the Preserve will be incorporated into the afterschool program and it is hoped that the Senior Center program will be active next season.

Commission members were given an opportunity to ask questions. Mr. Murphy said that Wildflower Day and Preserve Day are two separate events. Staff is planning a Preserve Day schedule for the third weekend in October, and a Wildflower Day for the Spring of 2016. Discussion ensued regarding a Preserve promotion plan, marketing objectives, social media, and after school program.

**9. STATUS UPDATE REGARDING TONTO NATIONAL FOREST JEEP OPERATOR ACCESS** (Discussion begins at 6:28; approximately 1 hour and 26 minutes into the meeting)

Mr. Ekblaw said that staff is hoping to have a meeting scheduled with the Tonto National Forest next week and gather more information about what operators and routes are

being awarded. There have been no requests thus far from Jeep tour operators to proceed with temporary or permanent permitting.

**10. STAFF REPORTS** (Discussion begins at 6:35; approximately 1 hour and 33 minutes into the meeting)

- Land Acquisition

Mr. Ekblaw reported on the public meeting, noting that attendees had a particular interest in retail and the zoning associated with the state land zoning case. He anticipates that the State will make a decision on how to proceed by late July or early August. Once a decision is made by the State, a hearing will be scheduled with Planning Commission possibly in September and Council in October. An auction should be scheduled within four weeks of the Council meeting.

- Cultural Resource Master Plan

Ms. Hildenbrand announced that the first public outreach session on the Cultural Resource Master Plan has been moved to June 25, 2015.

- Survey Update

Ms. Hildenbrand gave an overview of the results of the intercept surveys.

Commission members discussed the survey process.

Mr. Ekblaw noted that Desert Discovery Center RFQ applications are due by mid-July.

Ms. Hildenbrand said that the Scottsdale Police Department has requested that the City make the Preserve Ordinance language more clear as it relates to animals at large in the Preserve. She referenced a recent court case where the Judge ruled that the Ordinance language was too vague to be enforced. The legal department is working on language that defines "animal" and specifies that an animal must be under the direct control of a person when entering the Preserve.

The Police Department has also requested that the City include language in the Preserve Ordinance regarding deadly weapons. The current language prohibits deadly weapons in the Preserve boundaries, which is a violation of State law. New language would state that firearms cannot be discharged within the Preserve boundaries.

Mr. Ekblaw distributed a calendar of the Audit Committee's sunset review schedule for the next three years. The McDowell Sonoran Preserve Commission is scheduled for their next sunset review in October of 2017.

**11. COMMISSIONER COMMENTS** (Discussion begins at 6:28; approximately 1 hour and 26 minutes into the meeting)

There were no additional comments.

**12. AGENDA ITEMS FOR FUTURE MEETINGS**

- July Date Alternatives

Mr. Ekblaw requested that Commissioners send him an email with their July schedule preference. Suggested dates were July 14th, 15th, or 16th.

Possible July agenda items include:

- Naming Policies
- Ideas for Endowment Concept and Conditions Follow-up (As Needed)
- Special Events and Commercial Use Policies Follow-up (As Needed)
- Jeep Tours Follow-up (As Needed)
- General Plan Update

Other Future Items:

- Earmarking Funds from commercial Outfitters
- ERP
- Drones
- Dogs in Preserve
- Granite Mountain Rock Climbing Plan

**13. ADJOURNMENT**

The meeting adjourned at 6:39 p.m.

Respectfully submitted,  
A/V Tronics, Inc. DBA AVTranz.